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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,355	10/29/2001	Shinobu Togasaki	10002673-1	2701

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/020,355

Applicant(s)

TOGASAKI, SHINOBU

Examiner

Charles E. Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-19, 23-26 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8, 10-18, 23-26 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 9 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. Claims 1-6,8-19,23-26 and 30-32 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6,8,10-13,15,16,18 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,128,657 to Okanoya et al. in view U.S. Pat. No. 6,173,322 B1 to Hu.**

4. As to claim 1, Okanoya teaches a method for routing a transaction to a front-end server (figures 1-5/15-17), comprising: identifying at least one attribute-based category for said transaction (S52 "...search key..." Col. 11 Ln. 8 - 21), identifying at least one of a plurality of front-end servers to process said transaction based at least in part on said identified attribute- based category of said transaction (S54 "...selects some candidate servers..." Col. 11 Ln. 19 – 21); at least in part on said front-end servers being assigned to execute transactions corresponding to said attribute-based category (Col. 11 Ln. 59 – 67); when at least one of the front-end server is identified (S54 Col. 19 – 21) and routing

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said transaction to one of said at least one identified front- end servers (S57 Col. 11 Ln. 36 – 39).

Okanoya is silent with reference to when no front-end server is identified, routing said transaction to a default one of the front-end servers and determining whether the transaction is associated with a new attribute-based category and if so, assigning the new attribute-based category to the default one of the front-end servers.

Hu teaches when no front-end server is identified, routing said transaction to a default one of the front-end servers and determining whether the transaction is associated with a new attribute-based category and if so, assigning the new attribute-based category to the default one of the front-end servers (“...for whatever reason...forwards the client request to a default content server 106” Col. 11 Ln. 60 – 67, Col. 12 Ln. 1 – 9).

It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Okanoya with the teaching of Hu because the teaching of Hu would improve the system of Okanoya by providing a request routing scheme that allows a server’s failure to service a request to be handled without disrupting the client that sent the request (Hu Col. 2 Ln. 66 – 67).

5. As to claim 2, Okanoya teaches a method as in claim 1, further comprising assigning said at least one attribute-based category to said transaction (S52 “...search key...” Col. 11 Ln. 8 - 21).

6. As to 3, Okanoya teaches a method as in claim 2, wherein assigning said at least one attribute-based category to said transaction comprises associating a tag with said transaction ("...character string..." Col. 12 Ln. 1 – 5, Ln. 35 – 42).

7. As to claim 4, Okanoya a method as in claim 1, wherein identifying said at least one front-end server comprises comparing said attribute-based category for said transaction to assigned attribute-based categories for said plurality of front-end servers (Key 75a Col. 11 Ln. 59 – 67, "...comparing..." Col. 16 Ln. 61 – 67).

8. As to claim 5, Okanoya teaches a method as in claim 1, further comprising determining whether said at least one front-end server is available for processing said transaction (S54-S56 Col. 11 Ln. 22 – 39).

9. As to claim 6, Okanoya teaches a method as in claim 1, further comprising rerouting said transaction to another of said plurality of front-end servers when said identified server refuses said transaction (S55 Col. 11 Ln. 26 – 33).

10. As to claim 8, Okanoya teaches a method as in claim 1, further comprising notifying a workload manager of said at least one front-end server assigned to said new attribute-based category ("...back..." Col. 11 Ln. 59 – 67).

11. As to claims 10 and 11, see the rejection of claims 1 and 2 respectively.

12. As to claim 12, Okanoya teaches an apparatus as in claim 10, wherein said attribute-based category is based on at least one "real" attribute of said transaction (Col. 11 Ln. 59 – 67).

13. As to claim 13, Okanoya teaches an apparatus as in claim 10, wherein said attribute-based category is based on at least one "perceived" attribute of said transaction ("...name..." Col. 12 Ln. 1 – 5).

14. As to claim 15, see the rejection of claims 5 and 6 above.

15. As to claim 16, Okanoya teaches an apparatus as in claim 10, further comprising program code for assigning a number of attribute-based categories to each of said plurality of front-end servers, wherein said program code for routing said transaction to one of said identified front-end servers routes said transaction according to said assigned attribute-based categories (Col. 11 Ln. 59 - 67).

16. As to claim 18, Okanoya teaches an apparatus as in claim 16, further comprising a workload manager table for recording said assigned attribute-based categories (State Manager 111 Col. 11 Ln. 59 – 67).

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17. As to claim 23, Okanoya teaches a method as in claim 1, wherein identifying said at least one attribute-based category for said transaction comprises identifying a "perceived" attribute of said transaction ("...name..." Col. 12 Ln. 1 – 5).

18. As to claim 24, Okanoya teaches a method as in claim 23, wherein the identified "perceived" attribute is the computer originating the transaction ("...name..." Col. 12 Ln. 1 – 5).

19. As to claim 25, Okanoya teaches a method as in claim 23, wherein the identified "perceived" attribute is the user originating the transaction ("...name..." Col. 12 Ln. 1 – 5).

20. As to claim 26, Okanoya teaches a method as in claim 23, wherein the identified "perceived" attribute is a class of users from which the transaction originates ("...name..." Col. 12 Ln. 1 – 5).

21. Claims 14,17 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,128,657 to Okanoya et al. in view U.S. Pat. No. 6,173,322 B1 to Hu as applied to claim 10 above, and further in view of U.S. Pat. No. 5,864,679 to Kanai et al.

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22. As to claim 14, Hu and Okanoya are silent with reference to an apparatus as in claim 10, further comprising a user table for assigning said at least one attribute-based category to said transaction.

Kanai teaches an apparatus as in claim 10, further comprising a user table for assigning said at least one attribute-based category to said transaction (Col. 15 Ln. 45 – 62).

It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hu and Okanoya with the teaching of Kanai because the teaching of Kanai would improve the system of Hu and Okanoya by providing a table that allows for the ability of locate transaction associated transaction processor (Kanai Col. 25 Ln. 46 – 59).

23. As to claim 17, Kanai teaches an apparatus as in claim 16, wherein said program code for assigning at least one attribute-based category to each of said plurality of servers bases the assignment at least in part on an affinity of transaction attributes (figure 23 Col. 18 Ln. 51 - 67, Col. 19 Ln. 12 - 37).

24. As to claim 32, Kanai teaches an apparatus as in claim 10, further comprising program code to update, in response to broadcast indications from said front-end servers, a table of which attribute-based categories are assigned to which front-end servers, said table being maintained by and for a particular workload manager (Transaction Table 126 Col. 25 Ln. Ln. 39 – 46).

25. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,128,657 to Okanoya et al. in view of U.S. Pub. No. 2002/0083174 A1 to Hayashi et al.

26. As to claim 30, Okanoya teaches a method for routing a transaction to a front-server, comprising: identifying at least one attribute-based category for said transaction (S52 "...search key..." Col. 11 Ln. 8 - 21), attempting identifying at least one of a plurality of front-end servers to process said transaction based at least in part on said identified attribute-based category of said transaction (S54 "...selects some candidate servers..." Col. 11 Ln. 19 - 21); at least in part on said front-end servers being assigned to execute transactions corresponding to said attribute-based category (Col. 11 Ln. 59 - 67); and routing said transaction to one of said at least one identified front-end servers (S57 Col. 11 Ln. 36 - 39); one or more of said front-end servers, maintaining its own table of attribute-based categories for transactions that it has processed; for each attribute-based category in its table, maintaining an indication of when a transaction corresponding to the attribute-based category was last processed by the front-end server (State Manager 111 Col. 11 Ln. 59 - 67).

Okanoya is silent with reference to after a predetermined time of not processing a transaction corresponding to an attribute-based category in its table, broadcasting an indication of this event to a plurality of workload managers that can route transactions to the front-end server.

Hayashi teaches after a predetermined time of not processing a transaction corresponding to an attribute-based category in its table, broadcasting an indication of this event to a plurality of workload managers that can route transactions to the front-end server (figures 25/27/29 Failure Notifying Unit 62 pages 8/9 paragraphs 0118-0120).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify to system of Okanoya with the teaching of Hayashi because the teaching of Hayashi would improve the system of Okanoya by efficiently managing failure conditions in a computer cooperating network.

27. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,128,657 to Okanoya et al. in view of U.S. Pub. No. 2002/0083174 A1 to Hayashi et al. as applied to claim 30 above, and further in view of U.S. Pat. No. 5,864,679 to Kanai et al.

28. As to claim 31, Shapiro and Okanoya are silent with reference to a method as in claim 30, further comprising: upon a workload manager's receipt of said broadcast association, the workload manager updating its own table of assignments between attribute-based categories and front-end servers.

Kanai teaches a method as in claim 28, further comprising: upon a workload manager's receipt of said broadcast association, the workload manager updating its

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own table of assignments between attribute-based categories and front-end servers (Transaction Table 126 Col. 25 Ln. 39 – 46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify to system of Shapiro and Okanoya with the teaching of Kanai because the teaching of Kanai would improve the system of Shapiro and Okanoya by providing a table that allows for the ability of locate transaction associated transaction processor (Kanai Col. 25 Ln. 46 – 59).

Allowable Subject Matter

Claims 9 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 6/25/07 have been fully considered but they are not persuasive (excluding claims 9,19 and 30).

Applicant argues in substance that (1) the objection to the specification is improper (2) none of the prior arts teaches "determining whether the transaction is associated with a new attribute-based category, and if so, assigning the new attribute based category to one of the front end servers, (3) none of the prior arts teaches "determining a status of a an attribute-based category and deallocating said attribute-based category from said front-end server which it is assigned when said status is

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inactive” as claimed in claims 9 and 19 and (4) none of the prior arts teaches “after a predetermined time of not processing a transaction corresponding to an attribute-based category in its table, broadcasting an indication of this event to a plurality of workload managers that can route transactions to the front-end server.

Examiner respectfully traverses Applicant’s argument:

As to point (1), as a result of Applicant’s argument the Examiner is withdrawing the objection.

As to point (2), the instant application discloses the following on page 21 lines 2-13: “The maintenance routine may determine whether the attribute-based category associated with the transaction 100 is new, as in step 810. Where the attribute-based category is not a new category, the maintenance routine may exit in step 840. Alternately, the attribute-based category may be a new category. For example, the attribute-based category may be a new category where one or more of the front-end servers 121-125 have not previously, or has not recently, processed a transaction 100 so categorized, as recorded in the server table 370. As such, where the attribute-based category is new, the maintenance routine moves the contents to the active load server table 370 in step 820 to indicate that one or more of the front-end servers 121-125 are classified for processing other transactions 100 so categorized.”

Firstly, the above passage closely describes the claim limitation in question. As the Examiner understands it the attribute-based category is part of a transaction that would identify when the transaction is new or has not previously being processed by the any of the front-end servers. As a result of this identification (new or having not been

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processed by any other regular front-end servers) during the processing of a transaction or request, the transaction or request is assigned to a front-end server other than the regular front-end servers (front-end servers that services new transactions/requests or transactions/requests to be processed for the first time).

The Examiner admits the Hu prior art does not explicitly teach the identification of when a transaction or request as new or as having not been processed before, however it does disclose a proxy module (Proxy Module 210) that determines when ("whatever reason") regular content servers (Content Server 106) can not service a transaction or request. Proxy Module 210 then assigns the transaction or request to a default server (Default Content Server 106) when it determines that the regular content servers could not service the transaction or request. The "whatever reason" could reasonably be interpreted to include when the type transaction or request is new or has not been processed before by the regular content servers because the default content server only services transactions or requests that are not serviceably by the regular content servers.

As to point (3), Applicants argument is moot since claims 9 and 19 are currently been objected to.

As to point (4), Applicant's argument with respect to claim 30 has been considered but is moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
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cea.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER